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April 12, 2005

The Honorable Andre M. Davis  
United States District Judge  
United States Courthouse  
101 West Lombard Street  
Baltimore, Maryland 21201

Re: US ex rel. Cooper v. Johns Hopkins Hospital  
Civil No. AMD-02-3987

Dear Judge Davis:

I have received the letter order dated April 1, 2005, in which Your Honor indicates that the Complaint in this case will be dismissed with prejudice unless Dr. Cooper files an Amended Complaint on or before April 22.

The government has declined to intervene in this action and has no objection to dismissal with prejudice as to Dr. Cooper. The government respectfully requests that the dismissal be without prejudice as to the United States. 31 U.S.C. § 3730(b)(1). Dismissal without prejudice will preserve the government's interests in the event that additional evidence arises at some later time relating to the matters alleged in the Complaint.

Thank you for your consideration. Should the Court require a formal motion, I will be happy to provide it.

Respectfully,

Allen F. Loucks  
United States Attorney

By:     /s/      
Roann Nichols  
Assistant United States Attorney

cc: David A. Branch, Esquire (by ECF)  
Therese M. Goldsmith, Esquire (by ECF)